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DATE: 15 July 2005

TO: Examiner King Y. Poon
United States Patent And Trademark Office

RE: U.S. Patent Application Serial No. 09/346,354

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FROM: James Trosino

PAGES: 3

Please see attached.

PATENTS
EFIM0051

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Saeed Ganji
Application No. : 09/346,354
Filed : July 2, 1999
For : PRINTER DESCRIPTION FILE FORMAT GENERATOR
Group Art Unit : 2624
Examiner : KING Y. POON

Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

REPLY

Sir:

On March 29, 2005, the Board of Patent Appeals and Interferences (the "Board") decided the appeal from the examiner's final rejection of claims 1-4, 9 and 11 as obvious over deSilva U.S. Patent No. 5,857,064 in view of Andrews et al. U.S. Patent No. 5,768,564. The Board reversed the obviousness rejections of claims 1-4, 9 and 11.


The Board also issued a new ground of rejection of claims 1, 2, 9 and 11 under 35 U.S.C. § 112, second paragraph as failing to particularly point out and distinctly claim the invention.

The Board did not, however, reject claims 3 and 4. Instead, the Board remanded the application to the examiner to consider a rejection of claims 3 and 4 under 35 U.S.C. §§ 102 or 103 based on the prior art subject matter described at pages 1-3 of the specification.

Thus, following the Board's decision, claims 3 and 4 are neither allowed nor rejected. Accordingly, in view of the Board's express remand to the examiner to reconsider claims 3 and 4, with explicit instructions for immediate action, applicant has expected to receive an Office action addressing all of the pending claims, so that applicant may make a complete reply.

However, on July 11, 2005, after not receiving any Office action, the undersigned attorney for applicant spoke by telephone with Examiner King Poon to inquire as to the status of this case. Examiner Poon stated that he was awaiting applicant's reply before proceeding further with this case. Applicant respectfully submits that because the status of claims 3 and 4 are unknown, applicant cannot make a complete reply in this case. Further, because the Board remanded this application to the examiner with express instructions to reconsider claims 3 and 4, applicant respectfully requests that the examiner follow the Board's mandate, and promptly issue an Office action addressing all of the pending claims.

Respectfully submitted,


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